

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.2350 of 2014 (O&M)

Date of Decision: 19.2.2016

Ranju Bala

...Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Pankaj Gupta, Advocate for
Mr.Vaneet Soni, Advocate for the petitioner

Mr.Nikhil K.Chopra, AAG, Punjab

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. It requires no elaborate arguments for the petitioner to demonstrate on the strength of Annex. P-7 that her services were terminated illegally on 21st October, 2009 vide Annex. P-10, by discarding her experience certificate earned at the Sahibzada Ajit Singh Academy, Roopnagar on the ground that on verification at the school premises, the visiting team wrote remarks that “record is not available. School In-charge refused to show”. At the same time, the second Officer made a report on the verification of the experience certificate that opinion was formed on the ground that “the School refused to show record”. It has been recorded in the document at page 41 of the paper-book to the effect “Principal/Director is on tour. Staff refused to show the record”. Therefore, there was no conclusive evidence to hold that the experience certificate of the petitioner was bogus. The period claimed in the

experience certificate is from 1st May, 1998 to 30th April, 2000.

2. The school has filed reply supporting the case of the petitioner. It is their stand that the Certificate is genuine and the petitioner had indeed served the Institution as a teacher. However, Mr.Chopra, learned counsel points out from the written statement filed by the State by referring to paragraph 4 that when the petitioner appeared before the Committee on 4th November, 2009, she produced the attendance register for the period May, 1998, June 1998, August, 1998, January, 1999, October, 1999, December, 1999, May 2000 alongwith photocopies of pay disbursement register form 5/98 to 10/99 and a photograph with staff of Shahibzada Ajit Singh Academy, Ropar to prove her experience for the period from 1st May, 1998 to 30th April, 2000. It is also revealed from the written statement that the salary was paid for the entire period i.e. from 1st May, 1998 to 30th April, 2000. Having regard to the stand of the three parties, it cannot be said, by any stretch of imagination, that the experience certificate is bogus and ingenuine as the petitioner has not played any fraud practice during recruitment process to secure an appointment to public service. All that can be said is that there is broken period in between. In case had the broken period been directly an issue on the question of appointment, it could have been another matter. Had marks for this period been added to the total marks secured by the petitioner to gain appointment, and when marks were reduced for the period, then the petitioner would fall out of the zone of consideration and lose his job, but this is not his case since there is a categorical admission in paragraph 6 on merits in the written statement that the marks of bogus experience certificate were not included while preparing the merit list. Action has been taken against the petitioner by dispensing with her services for

production of bogus certificate which shows mala fide intention of the Selection Committee. The reasoning adopted by the appointment authority is totally vague, erroneous and irrelevant. Insofar as the nature and character of the appointment is concerned, the same cannot be flawed with in the manner as suggested by the State in its written statement. In view of the above, it is not necessary for this Court to dilute on the intervening litigation that the petitioner has to resort to bring the case for hearing today.

3. In view of the above discussion, the writ petition is allowed. Writ of Certiorari is issued quashing the impugned orders (Annex. P-18 and P-10) and a Writ of Mandamus is issued to the appointing authority to reinstate the petitioner to service with all consequential benefits flowing therefrom.

19.2.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE